

# FOCUS

## A Look at the Maricopa County Juvenile Court



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**Superior Court of Arizona in Maricopa County**

Summer 2001 Edition

## Changing of the guard



*Previous Juvenile Court Presiding Judge Maurice Portley (Left) recently gave way to new Presiding Judge Linda Scott as a result of judicial rotations. Judge Portley moved to the Family Court Department in downtown Phoenix.*

*J*udge Maurice Portley, known as much for his collection of toys and hats as much for his dedication to the children of Maricopa County, recently moved to the Family Court Department of Superior Court.

### **What advice do you have for your successor?**

If asked, I would quietly whisper five things that she already knows. First, be yourself; let everyone see your great sense of humor.

Second, nurture and celebrate the people in the Juvenile Court family - judicial officers, detention and probation



staff, administration staff, the myriad volunteers: Community Justice panels, Community Advisory Board, Court Appointed Special Advocates, Foster Care Review Board and others. Daily, they do the heavy lifting, have great ideas and make immediate, and sometimes lasting, impressions on children,

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*P*residing Juvenile Court Judge Linda Scott, who has spent the majority of her time as a judge on the Juvenile Court in Maricopa County bench, said she hopes to continue the work of her predecessor.

### **How long have you been at Juvenile Court?**

June 1986 to June 1995;  
October 1998 to present

### **What are your worst and best experiences on the Juvenile Court bench?**

Best and worst was handling the case of Kathryn

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## Adoption pasts awakened by court program

Confidential Intermediary, Shirley Pusey has heard it all - Anger, jubilation, sadness, silence, denial - helping adoptees find their birth parents.

Pusey says she never knows how someone will react to being awakened to the decades-old memory of giving a child up for adoption.

"Many birth mothers don't respond positively to the first call, but some say 'I have been waiting for this call for 35 years,'" Pusey said. "Often they are so overwhelmed. We're aware that we are dropping a bomb on them and that they really need time to catch their breath."

Pusey is one of 55 certified and trained Confidential Intermediaries available for a fee throughout the state to assist adoptees, adoptors and birth parents find information about each other. Available only for parties of Arizona adoptions, the Confidential Intermediary Program (CIP) gives Confidential Intermediaries (CIs) the authority to search through closed adoption files and other records that may provide an insight into locating a birth parent or an adopted child.

Susan Luebke, Administrative Office of the Court CIP Coordinator, said successful results can vary from a reunion between the adop-

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# Rotations mean more change to bench

Two longtime leaders on the Juvenile Court bench are applying their leadership experience to different court departments as a result of the annual Superior Court judicial rotations.

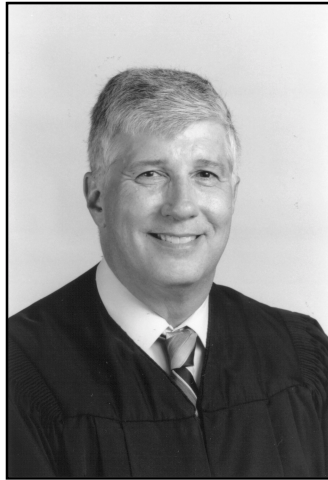
The immediate past Juvenile Court Presiding Judge Maurice Portley and Associate Presiding Judge Pamela J. Franks moved to the downtown Phoenix court facility to take the bench in the Family Court and Criminal departments respectively.

Both judges have a combined 11 years of experience on the Juvenile Court bench.

Judge Linda Scott, a Juvenile Court judge for 11 of her 17 years on the bench, is the new Juvenile Presiding Judge.

Judge Janet Barton assumes the Associate Presiding Judge duties in place of Judge Franks.

The most recent rotations also meant a move for Criminal Department Judge David R. Cole, who rotated to the Southeast Juvenile Court Facility in



*Judge David R. Cole*

Mesa from the downtown facility.

Judge Cole was appointed a judge in February 1989. Since his appointment Judge Cole has served in the Criminal, Civil and Family Court departments. In addition to his most recent assignment in the Criminal Division, Judge Cole presided over DUI Court.

The annual rotations started in March with Judge



*Judge Pamela J. Franks, formerly the associate Presiding Juvenile Court judge, and former Presiding Juvenile Court Judge Maurice Portley react to a presentation made at a luncheon honoring their service at Juvenile Court. Both recently rotated off the Juvenile Court bench.*

Alan Kamin rotating to the Durango Facility for Judge Eileen Willett, who went to the Criminal Department at the downtown facility. More rotations will continue throughout the summer. Judge Rebecca

Albrecht is slated to rotate when Governor Jane Hull appoints new judges. Until more judges are appointed, Civil Judge Kenneth Fields will preside over Juvenile Court cases four times a week.

## Judge Maurice Portley, From Page 1

families and the community.

Third, continue to keep the community engaged in helping children and families. Schools, law enforcement, advocacy organizations, municipal park and recreation programs, faith communities and others are great resources that, with cooperation and collaboration, can help families help their children well before a child is removed or a child is arrested.

Fourth, continue to find ways to improve the child welfare system and juvenile justice system. Our partners, collaborators, providers, legislators and others may have some wonderful ideas to help the Court, and community, increase its successes.

Finally, have fun. It's a great job with great opportunities, whether talking with service

groups, pitching programs or getting media representatives to understand that children aren't little adults.

### **Is there a philosophy that has guided you during your time at Juvenile Court?**

Yes. I had three goals.

First, I wanted to raise the consciousness that the Juvenile Court was involved in the lives of children in the child welfare system; it handles much more than juvenile delinquency cases. Second, I wanted the community to understand that the Juvenile Court was part of the community and its continuum of care for children and families. The Court should not be the first resource for helping children and families. However, it should, and must, participate with the community and be a community resource.

Finally, the Juvenile Court had to educate the community about its mission, and dispel myths or misperceptions. For example, it was important for the community to learn that 90 percent of the children in Maricopa County are wonderful and don't get into trouble; approximately 10 percent of the children have police contact; and 75 percent to 80 percent of those children who get a consequence do not recidivate. The community, in spite of Columbine and the other school shootings, had to know that juvenile crime, especially violent crime was down and there were no "super predators" on the horizon, in spite of the media coverage.

**What are your worst and best experiences on the Juvenile Court bench?**

I have a host of wonderful memories. The absolute best experience was my epiphany that I loved the Juvenile Court; that it wasn't a job but an avocation; and had limitless possibilities to help children, families and the community in spite of funding or treatment limitations.

My most difficult experience, outside of leaving the Juvenile Court, was reading the *Arizona Republic* in August 1999 with the erroneous and misguided headline — "Court Orders Abortion" — I knew it wasn't going to be a good day.

### **What will you miss most about Juvenile Court?**

Everyone that I have come into contact with - probation, detention, lawyers, volunteers,

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# Volunteer advocates honored, rewarded



## Award theme: 'Giving the Light of Hope to a Child'



Excellence in helping some of the county's most needy children was the focus of the 5th annual Maricopa County Court Appointed Special Advocate Volunteer Recognition Luncheon.

More than 20 CASA advocates, mentors and staff members were honored during the annual ceremony. CASA James Lee was honored as the Volunteer of the Year for his work with some of the most challenging Juvenile Court Dependency cases.

"This is the best job I have ever had," Lee said. "It gives me the ability, authority and the freedom to do what's best for the child."

Superior Court Judges Maurice Portley and Pamela J. Franks were also honored.



*Clockwise from top left: KPNX Channel 12 news anchor Kent Dana was the keynote speaker the recent 5th Annual Court Appointed Special Advocate Volunteer Recognition Luncheon; Bill Stanton (left), CASA Division Director of Dependent Children Services, presented former Juvenile Court Presiding Judge Maurice Portley with CASA's Light of Hope Award; CASA James Lee, who was named the CASA of the Year, stands in front of CASA coordinators Mark Koch and Bonnie Marcus; Superior Court Presiding Judge Colin F. Campbell presented former Juvenile Court Associate Presiding Judge Pamela J. Franks with the CASA Judge of the Year award; Former CASA Program Manager Nancy Molever was presented with a Special Appreciation award for her work with CASA by CASA Jackie Flowers, who was also recognized for work as a CASA mentor.*

### Honorees of the 5th Annual Maricopa County CASA Volunteer Recognition Luncheon

Light of Hope Award ..... Judge Maurice Portley  
*Former Juvenile Court Presiding Judge*

Judge of the Year ..... Pamela J. Franks  
*Former Juvenile Court Associate Presiding Judge*

Volunteer of the Year ..... James Lee

Rookies of the Year ..... Greg Broberg  
Marilyn Priebe

CASA Project Pioneer ..... Laura Lobraico

Special Appreciation ..... Nancy Molever  
*Former CASA Program Manager*

*Arizona Council for CASA*  
Angela Ashley

#### Community Support Awards

*Young Arts of Arizona*  
Judith G. Wolf, Ph.D  
Viki Reed

Derrick Platt  
*Juvenile Detention Supervisor*

Kappa Alpha Theta  
Sarah Fedirka

Speakers Bureau Recognition ..... Greg Borberg  
Peiggi Clements  
Pam Frye  
Anne Murphy  
Marilyn Priebe

Nicole Ekberg  
Gwen Loving  
Marshall Porter  
Mary Ann Stanton

Mentor Recognition ..... Angela Ashley  
Beverly Burch  
Dana Gilroy

Jackie Flowers  
Lynda Pederson

Linda Warfield

## Confidential Intermediary Program, From Page 1

tive parties or simply an exchange of non-identifying information such as a medical history or hobbies and interests. The program has helped people find missing links in their lives in more than half of the cases that have been taken on by the program in the eight years since it was created by the Legislature.

To begin the search, CIs are required to first check the closed court file for an affidavit requesting no future contact with any of the adoptive parties. Pusey, a CI since 1993, said in addition to the court file, she looks through county and state records, the phone book and the Internet. Hillary Kaminsky, a CI since 1993, said she sometimes files a motion with the Court to see the birth mother's birth certificate, which can provide a variety of resources, including where the mother was born, and the place she lived when she was born.


The diligence of the search gives way to tact and sensitivity once the searchee is found. By law CIs are not allowed to pressure anybody to reveal their role in the adoption process. A CI cannot disclose any information until the person being sought gives consent to do so. Pusey said once she finds who she is look-

ing for, she asks them not to make a decision right away and to consider the implications of any decision they make. She said in her experience birth mothers will take between a half-hour and a year to make their decision. Luebke said many of the more than 330 cases currently open in the CIP program are left open pending a final decision.

"When it is an emotional matter like this, it can take time," Luebke said.

On one of Pusey's cases, a birth mother initially said she did not want to exchange any information. Married, with college aged children, the woman was hesitant because no one except her husband knew of the adoption, including her children, sisters and her mother, Pusey said. With her husband's support, the woman started slowly by exchanging photographs with her son on a first name basis only. Eventually the two met in person and now continue to forge a relationship.

"Her husband told me she is a totally different person; that before she was inhibited and slow to laugh," Pusey said. "Now it is like a weight has been lifted from her shoulders. She said 'You told me I would probably find this

 Confidential Intermediary Program Statistics		
Party Located	Number	Percent
Consent to exchange identifying information	676	53.0
Party deceased	91	7.0
Consent to exchange non-identifying information	58	5.0
Consent to exchange information denied	109	9.0
Parental relationship denied	23	2.0
Closed cases	Number	Percent
Party not located	109	9.0
Program closure for Administrative reasons	112	9.0
Client withdrawal	63	5.0
No Arizona adoption on record	34	3.0
<b>Total cases closed since July 1993</b>		<b>1305</b>
<i>Source: CIP statistics as of May 2001</i>		

very healing and it has been. I feel so happy about the life he's had and the decision I made.' It was like a hunk of lead she had carried since the adoption."

By law, CIs can charge up to \$50 an hour plus expenses for their services, but some, like

Kaminsky, will only charge for expenses. According to the program statistics, the average cost of the searches is about \$240 for fees and expenses.

"I don't believe people should have to pay for their heritage," Kaminsky, a former adoption social worker and CI since 1993, said. "This program is not a money maker for anyone. The majority of the costs incurred by a client are for actual expenses — court fees, agency file review fees, document fees, database costs, long distance phone calls etc. I usually walk away with \$25-\$50 max, sometimes less."

Luebke said the process starts with a request to the CIP office. If the person requesting the service meets the requirements of the program, the person then chooses from a list of certified CIs, and the search begins. The adoptee can begin the search if he or she is over 21 years of age. A birth parent can search out the adoptee, but not until the adoptee is 21 or older.

For more information on the Confidential Intermediary Program, call 602.364.0387 or 602.542.9580. Outside of Maricopa County, call 1.800.732.8193. The Text Telephone (TT) number for the hearing impaired is 602.542.9545.

## Judge Linda Scott, From Page 1

Tomassoni who, along with her sister, shot and killed her adoptive mother while she was sleeping.

It was a delinquency case that I opened to the public before the law was changed making delinquencies open to the public. It was of great interest to the public because of the abuse the girls suffered at the hands of their mother. It was difficult because the defense was battered child syndrome which required the defense attorney to document the horrible abuse the girls experienced. It was a rewarding ex-

perience because the public was allowed to experience a delinquency proceeding from start to finish and become more aware of the juvenile court and the way juvenile cases are handled.

Unfortunately, the juvenile system was not able to help Kathryn and she eventually was convicted in the adult system of a criminal offense and sent to prison.

**Is there any philosophy or guidelines you use in everything you do at Juvenile Court**

The fundamental principle

I try to follow is to always consider and act to protect the best interest of the child while respecting the rights of parents, victims and the State.

**What issues will be at the forefront of the Juvenile Court System?**

The need to provide age appropriate services to juveniles who are convicted as adults; the continuing overrepresentation of minority youth in the juvenile court, both as dependents and delinquents; inadequate mental health services; truancy; and the critical need to keep our kids in

school.

**What do you consider to be most challenging in your role as a judge in Juvenile Court**

Balancing the interests of the children, parents, the State, victims.

**What challenges if any do you anticipate you will face as the Presiding Judge of Juvenile Court?**

Helping guide the Juvenile Court forward to effectively address the needs of our youth and families.

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## Judge Portley, from Page 2

CPS case managers, educators, and law enforcement - are dedicated professionals trying to make a difference.

Their hard work, dedication and grasp of the importance of helping children and families is awesome. They make the Juvenile Court the wonderful community institution that it is.

**How are you going to use your collection of hats, trains and toys?**

They'll be packed away until needed.

**What would you consider the most rewarding aspect of being the Presiding Juvenile Court Judge?**

Watching everyone work hard to make a difference in the lives of children and families, and seeing their successes - children in permanent homes, children graduating and being released from probation and all their other successes.

**What affect has Juvenile Court had on you as a parent?**

It has made me more conscious of being active in all aspects of the lives of my children. Parenting is the hardest job that an adult will ever love, and it's ever changing. Our children, and each of them, are dif-

ferent as newborns, toddlers, young school children, adolescents and teens. We, as parents and as we grow older, are different every year, and have to grow as a family so we can be there for them - to teach them, to keep them safe, to get them ready for adulthood. We have to love our children when they are perfect; when they're just kids; or when they need redirection.

**What issues are at the forefront of the Juvenile Court?**

- Implementing the JK Settlement principles, while addressing the mental health needs of children and families in the child welfare and juvenile justice system.

- Incurable children - how to effectively work with children and families to make a difference and keep them out of the delinquency system.

- Growing resources to help children and families with substance abuse problems.

- Discussing whether confidentiality of child welfare cases should be modified, like the juvenile justice system, and implementing any change.

- Examining whether there should be jury trials for parents in dependency or termination

trials, determining the costs for such trials, including additional judicial resources.

- Working to ensure that children in-group homes get the resources and treatment needed as they prepare to move into adulthood.

- Working with other community partners to ensure that the child welfare and juvenile justice systems work towards reducing the over-representation of minority children in those systems.

- Working with tribal communities to wrestle with issues affecting Indian children.

**What should always remain free from change in the Juvenile Court system?**

When the first Juvenile Court was founded in 1899, it was designed to help children and keep them out of jails and prisons for adults just because they were poor and destitute. Now, the Court has to find ways, with the community, to have prevention and early intervention programs, as well as deal with the substance abuse, emotional and mental health needs of children and families. It's not easy. It's not inexpensive. But it's necessary if we want to help children, families and our community.

## JUVENILE COURT NEWS BRIEFS

### New administrator for Juvenile Court appointed

Superior Court Administrators announced in early June that Carolyn Haynes Edlund is the next Juvenile Court Administrator.

Edlund, effective July 2, assumed the position vacated by former Administrator Caroline Lutt-Owens.

Prior to her appointment, Edlund was Endowment Counsel for the Boy Scouts of America in Tempe.

Edlund has bachelor's, master's and law degrees from the University of Denver.

Edlunds has also worked as a private attorney, in civil, family and Juvenile law, a deputy district attorney, a law clerk and a litigation manager for First Data Corporation/American Express -- all in Denver, Colo.

Juvenile Court staff Bill Callahan, Patrick Smock and Rachel Rogers shared administrative duties after Lutt-Owens' departure to the Administrative Office of the Courts.

## Judge Linda Scott From Page 4

**How do you follow a Presiding Juvenile Court Judge like Maurice Portley?**

He has inspired us all by his example to work hard toward the goal of protecting and nurturing our children.

I want to follow his lead and build on the foundation he has established.

**What affect has Juvenile Court had on you as a judge?**

It has shown me that so much more can be accomplished when all the interested parties have the same goal—to help, protect and inspire a child.

*"In my teen years I was a member of an all girl rock band and I met my husband (of 32 years) at a battle of the bands. It's a good thing I went to law school because I have no musical talent."*

— Juvenile Court Presiding Judge Linda Scott



**What affect has Juvenile Court had on you as a parent?**

It has made me a better parent, more patient and more understanding.

**Do you have any of the following:**

An eclectic hat collec-

tion, a train set under your desk, or any toys and stuffed animals?

No hats, no trains but I do have a stuffed bear with a black robe and gavel named Sandra Day O'Bear in honor of U.S. Justice Sandra Day O'Connor.

**What don't people know**

**about you?**

In my teen years I was a member of an all girl rock band and I met my husband (of 32 years) at a battle of the bands.

It's a good thing I went to law school because I have no musical talent.

**Is there anything you would like to add about taking over as Presiding Judge?**

I'm really excited about the opportunity Presiding Judge Colin Campbell has given me to continue to work with children, their families and our community.



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# JUVENILE COURT JUDICIAL OFFICERS

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**Southeast Court Center**  
**1810 South Lewis St.**  
**Mesa, AZ 85210**

**Durango Court Center**  
**3125 West Durango**  
**Phoenix, AZ 85009**

Presiding Judge Linda Scott	602.506.2610	Associate Presiding Judge Janet Barton	602.506.5340
Judge Rebecca Albrecht	602.506.3727	Judge Thomas Dunevant III	602.506.2050
Judge Silvia Arellano	602.506.3649	Judge Brian Hauser	602.506.6086
Judge David R. Cole	602.506.5808	Judge Alan Kamin	602.506.3157
Judge Dennis Dairman	602.506.1855	Judge William Sargeant III	602.506.3663
Judge Emmet Ronan	602.506.0438	Commissioner Robert Colosi	602.506.3366
Commissioner Thomas Jacobs	602.506.4203	Commissioner George Foster Jr.	602.506.3892

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